

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO)
ADMINISTRATIVE COURT) ORDER
RULE (I.C.A.R.) 45 – CAMERAS IN)
THE COURTROOM)

The Court having reviewed a recommendation from the Media/Courts Committee for amendments to Rule 45 of the Idaho Court Administrative Rules pertaining to the use of cameras in courtrooms, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED, that Rule 45 of the Idaho Court Administrative Rules is amended as follows:

Rule 45. Cameras in the courtroom.

(a) “Audio/visual coverage,” as used in this rule, means broadcast video, audio, and photographic coverage or recording of public proceedings before district and magistrate judges. “Broadcast” means the transmission of images or sounds by any electronic means, including but not limited to television, radio, Internet, email or streaming. Audio/visual coverage is authorized subject to the discretion of the presiding judge. The presiding judge maintains the right to limit audio/visual coverage of any public hearing when the interests of the administration of justice requires. Authorization may be revoked at any time, without prior notice, when in the discretion of the court it appears that audio/visual coverage is interfering in any way with the proper administration of justice.

(h) If audio/visual coverage is authorized, rules governing the media shall be established at each judge's discretion. An order permitting audio/visual coverage of court proceedings shall not include any restriction on the time when, the place where, or the manner in which the content of the audio/visual coverage may be aired or published. Audio/visual coverage may be authorized subject to the following guidelines:

- (1) **Jury** -- Photographing or videotaping of the jury or jurors is prohibited, including during jury selection.

(2) **Light** -- Existing light only may be used for still photography or video coverage. Electronic flash or artificial lighting is prohibited.

(3) **Camera Noise** -- Camera noise and distractions shall be kept to a minimum.

(4) **Still Photography** -- Electronic flash is prohibited. Photographers must use quiet camera equipment to minimize distraction from the judicial proceedings.

(5) **Video Coverage** -- No video or television camera shall give any indication of whether it is operating.

(6) **Audio** -- Any audio equipment shall be placed as determined by the presiding judge. There shall be no broadcast of confidential communications. If there is coverage by both radio and television, the microphones used shall serve each system without duplication.

(7) **Location** -- Media shall be in a position at least 15 minutes before court begins. Media positions shall not change while court is in session. The specific location or locations of media must be approved in advance by the presiding judge or designee.

(8) **Dress** -- Media representation shall present a neat appearance and conduct themselves in keeping with the dignity of the court proceedings as determined by the presiding judge.

(9) **Pooling of Video and Broadcast Coverage** -- Only one still photographer and one video and broadcast camera operator shall be permitted in the courtroom unless the presiding judge allows additional cameras. Any arrangements for pooling of video and broadcast coverage must be made by the media organizations.

(10) **Pooling of Still Photography** -- Only one still photographer shall be permitted in the courtroom unless the presiding judge allows additional still photography cameras. Any arrangements for pooling of still photography coverage must be made by the media organizations.

(11) **Sharing of Pool Photography, Video and Broadcast Coverage** -- If the presiding judge determines that only a pool photographer or video and broadcast camera operator shall be permitted in the courtroom, the pool photographer and video and broadcast camera operator shall share their images and audio recordings with all news organizations, either print or broadcast, that request them in a timely fashion. All images and audio recordings captured in the courtroom, whether before, during or after the actual court proceedings, by the pool photographer or video and broadcast camera operator shall be shared as required by this rule.

(i) The presiding judge may require any media representative to demonstrate adequately in advance of a proceeding that the equipment to be used meets the standards of the rule.

(j) The public shall not be required to incur any expenses to accommodate cameras or other equipment covered by this rule. Any proposal by media representatives to modify existing facilities at media expense to accommodate use of equipment in the courtroom shall be submitted to the trial court administrator for the district. A final proposal shall be submitted to the administrative district judge for acceptance, modification or rejection. When planning courtroom construction or remodeling, consideration shall be given to accommodations that will provide broadcast and print media with reasonable access to court proceedings.

(k) The Media/Courts Committee shall evaluate audio/visual coverage on an ongoing basis, and at any time bring forth recommendations to amend this rule.

(l) The request for approval to video record, broadcast or photograph a court proceeding and order granting or denying such request should be in substantially the following form:

Request for Approval/
Judge's Proposed Order

Directions: Fill out the form below, and present both the signed Request for Approval and proposed Order to the presiding judge's office.

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____)	
PLAINTIFF(S))	
)	
)	
V.)	REQUEST TO OBTAIN
)	APPROVAL TO VIDEO
)	RECORD, BROADCAST
)	OR
)	PHOTOGRAPH A COURT
_____)	PROCEEDING
DEFENDANT(S))	

I hereby request approval to:

[] video record [] broadcast [] photograph the following court proceeding:

Case No.: _____

Date: _____

Time: _____

Location: _____

Presiding Judge: _____

I have read Rule 45 of the Idaho Court Administrative Rules permitting cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting or photographing of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

Print Name

Signature

News Organization Represented Phone Number

Date

REQUEST TO OBTAIN APPROVAL TO VIDEO RECORD,
BROADCAST, OR PHOTOGRAPH A COURT PROCEEDING

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ORDER

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **video record** the above hearing is:

[] GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

[] DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **broadcast** the above hearing is:

[] GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

[] DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **photograph** the above hearing is:

[] GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

[] DENIED.

All images and audio recordings captured in the courtroom, whether before, during or after the actual court proceedings, by any pool photographer or video and broadcast camera operator shall be shared with other media organizations as required by Rule 45 of the Idaho Court Administrative Rules.

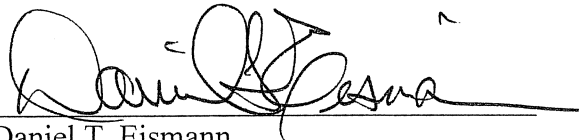
DATED this _____ day of _____, _____.

Justice/District/Magistrate Judge

IT IS FURTHER ORDERED, that this order shall be effective on the 1 day of January, ~~2009~~ 2010.

DATED this 9 day of December, 2009.

By Order of the Supreme Court



Daniel T. Eismann
Chief Justice

ATTEST:

Stephen Kenyon
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.

WITNESS my hand and the Seal of this Court 12/10/09

STEPHEN W. KENYON

Clerk

By: Kimberly Greene

Deputy